IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL APPLICATION NO.1795 OF 2007
IN
CRIMINAL APPEAL NO. OF 2007

The State of Maharashtra .... Applicant
Vs.
Kishor Hanmant Sathe .... Respondent

Ms U.V. Kejariwal, APP, for the Applicant.

None present for the Respondent.

CORAM: R.M.S. KHANDEPARKAR &
A.A. SAYED, JJ.

DATED: NOVEMBER 19, 2007

P.C:

Heard the learned APP. By the present application the impugned judgment is sought to be challenged to the extent it acquits the accused No.2. The learned Sessions Judge, Solapur while acquitting the accused No.2, who is the respondent herein, has clearly held that "The evidence of defence witnesses clearly shows that, at the relevant time, accused No.2 was present on his duty at different place." While holding so, the learned Judge has disbelieved the prosecution case about the absence of the accused No.2, the respondent herein, at the scene of offence at the relevant time and, therefore, has acquitted the said accused. Apart from the fact that the application for leave to appeal nowhere discloses any challenge being

thrown to the said finding of the learned Judge that at the relevant time the respondent was present at different place of his duty, no material could be pointed out which could disclose the said finding to be incorrect or having been arrived at ignoring the material evidence to the contrary. Being so, there is absolutely no case for interference in the impugned judgment to the extent it acquits the accused No.2, the respondent herein. Hence the leave to appeal against the impugned judgment to the extent it acquits the accused No.2, is rejected.

(A.A. Sayed, J.) (R.M.S.Khandeparkar, J.)

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